

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

THE TAILWIND GROUP, INC., *et al.*,

Plaintiffs,

v.

Civil Action 2:21-cv-261  
Judge Sarah D. Morrison  
Magistrate Judge Chelsey M. Vascura

FIRE GUARD LLC, *et al.*,

Defendants.

**REPORT AND RECOMMENDATION**

Plaintiffs filed their Complaint against, *inter alios*, Defendants Fire Guard Services and John Does I–X, on January 22, 2021 (ECF No. 1). On June 1, 2021, Plaintiffs were granted an extension of time to effect service over these Defendants until July 15, 2021. (ECF No. 29.) After that deadline passed without Plaintiffs filing evidence of service on the docket, the Court ordered Plaintiffs on July 26, 2021, to show cause within fourteen days why this action should not be dismissed without prejudice as against Defendants Fire Guard Services and John Does I–X for failure to timely effect service over these Defendants. (Show Cause Order, ECF No. 41.)

To date, Plaintiff has not responded to the Show Cause Order, sought leave to amend the Complaint to identify John Does I–X, or effected service on the Defendants in question. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against Fire Guard Services and John Does I–X pursuant to Rule 4(m) for failure to timely effect service of process.

**PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE